

Application No. 10/051,390
Reply dated July 9, 2004
Response to Office Action dated May 25, 2004

REMARKS/ARGUMENTS

Description of amendments

Claims 1, 2, 7-10, and 12-14 are now pending and under examination. Applicant has amended claims 1, 9, and 10; added claims 13 and 14; and cancelled claims 3-6 and 11. No new matter has been added.

In the amendment, the subject matter of claim 4 has been incorporated into claim 1, and the subject matter of claim 11 has been incorporated into claim 9. New claim 13 is similar to the combination of claims 1 and 2, and new claim 14 is similar to the combination of claims 9 and 10.

Rejection under 35 U.S.C. §102

Claims 1, 8, 9, and 12 were rejected under 35 U.S.C. §102(b) as being anticipated by Iyoshi (U.S. Patent 6,572,142). The rejection is rendered moot by the amendment to the claims. Each of claims 1, 8, 9, and 12, as amended, includes the subject matter of either claim 4 or claim 11.

Rejection under 35 U.S.C. §103(a)

Claims 2-7, 10, and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Iyoshi in view of Steffens (U.S. Patent 5,626,359). The rejection of claims 3-6 and 11 is rendered moot by their cancellation. For the following reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of the remaining claims.

As amended, each of claims 1, 2, 7, and 8 recites, either directly or indirectly, sensors for detecting four variables: a body size, a body weight, a sitting position, and an out-of-position signal. As amended, each of claims 1, 2, 7-10, and 12 recites, either directly or indirectly, that the person-specific variable includes a person type determined as a function of the same four variables: a body size, a body weight, a sitting position and an out-of-position signal.

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The cited references do not disclose the use of sensors for detecting the same four variables or the determination of a person-specific variable as a function of the four variables. Therefore, claims 1, 2, 7-10, and 12, as amended, cannot be anticipated or rendered obvious by the cited references.

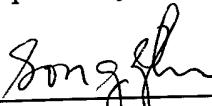
Regarding the new claims, claims 13 and 14 each recite (sensors for) detecting two variables: an actual vehicle speed and a relative vehicle speed. They further recite that each of the crash angle and crash severity is determined as a function of three variables: vehicle type, the actual vehicle speed and the relative vehicle speed. The cited references do not disclose these features. Therefore, claims 13 and 14 cannot be anticipated or rendered obvious by the cited references.

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (CAM #080437.50738US).

Respectfully submitted,

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